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TUESDAY, FEBRUARY 14, 1905.

The Senate and the Treaties. It is greatly to be regretted that there have been a falling out between President Roosevelt and the Senate on the ratification of the arbitration treatles between the United States and several European powers. The cause of peace gratifying progress within the had hoped that these new in the interest of peace would go into effect. The members of to commit this government to the prinaffiliation deemed it unwise to ratify the treaties in the form in which they "agreement" and substituted the word treaty, and this, in spite of the the President in his letter to Senator Culiom that if the treatles should be thus amended, he would refrain from endeavoring to secure a ratification by the other contracting power or powers.

But much as we regret this unfortunate hitch in the proceedings, we cannot but conclude that the Senate is right. The disputed clause in the treaties is this:

In each individual case the high con "In case individual case the high con-tracting parties, before appealing to the permanent court of arbitration, shall con-clude a special agreement defining clearly the matter in dispute," etc.

The Senate amended this clause by sub-

'agreement." In explaining the Senate's attitude, Mr. Spooner said;

"The Senate cannot abdicate its powers if it wants to. It must have submitted to it all treaties with other countries, and it must give its advice as to their radification or rejection. The Senate cannot, under the Constitution, by ratifying these or any other treaties, lend its func-tions and powers to the Executive, so that thereafter he can make special agree-ments without further reference to the under the Constitution, by ratifying

We have no right under the Constitution of the United States to commit ourselves to any such general proposition. It is conceded, and has so been Court, that a treaty cannot take away essential liberties secured by the Constitution to the people; that a treaty cannot bind the United States to do what the Constitution forbids it to do. The language of the Constitution upon the powers of the President is precise;

"He shall have power, by and with the advice and consent of the Senate, to make treatics, provided two-thirds of the senators present concur."

Mr. Tucker, in commenting on this phase of the question, says, moreover, that a treaty cannot compel any depart-Constitution submits to its exclusive and the treaty-making power, in its seeming absolute will. "On these questions," says confronted with equally absolute and unconditioned authority vested in the justrued as absolute and unconditioned, but others. For example, Congress has power to lay and collect duties; the to make and contract with a foreign nation in respect to such duties. Can while the treaty may propose a contract as to duties on articles coming from a foreign nation, such an executory conto lay and collect duties, consents to it.'

Several questions of this nature have arisen since the government was founda, one of them in the days of Washgton's administration, and the rule nich Mr. Tucker outlines was always en forced. The treaty which Mr. Jeffer son made with France for the purchase of the Louisiana territory, did not have effect until Congress passed a bill authorizing the President to take charge of the territory so acquired Again, when Alaska was acquired in 1567, the House of Representatives asserted the necessity first gun in the campaign for Judge of the consent of Congress to the said William H. Mann's candidacy for the treaty before the same should have full governorship was fired in that city on force and effect. From this proposition Sunday afternoon, when a meeting of the Senate dissented and a compromise the good citizenship and temperane was finally reached under which a bill forces was held in the First Baptist was passed appropriating the money to Church. Dr. E. carry the treaty into effect. 'It must delivered the principal address, advocat-

submits that the conclusions here pre- government there must be complete sep sented are just and in accordance with the principles of the Constitution."

certain rights and duties in the premises in specific cases. It seems to us manifostly clear from this that the President and the Senate have no right under the Constitution to commit this government to a treaty embodying the general proposition that all disputes of whatever be submitted without action of the Senate to an international court for final settlement from the decision of which no appeal. Each and every dispute arising must under the Constitution be considered by the Execulive and the Senate and by joint action submitted or not to arbitration according as may seem wise and expedient.

Plays Moral and Otherwise,

Section 3701 of the new Code, Pollard's edition, provides that "If any person import, print, publish, sell or distribute any book or other thing containing obscene language, or any print, picture, figure or description, manifestly tending to corrupt the morals of the youth; or intro duce into any family or place of education, or buy or have in his possession any such thing for the purpose of sale, exhibition or circulation, or an intent to introduce it into any family or place of education, he shall be confined in jail not exceeding one year and fined not exceeding \$200."

Chapter 73 of the City Code provides that "any person who shall be guilty of lewd, indecent or disorderly conduct, or who shall exhibit any indecent represen-tation of any subject or thing, or who shall draw an indecent picture, or write indecent language on any house indecent language on any nouse of closure, or post, or other conspicuous object, or who shall keep for sale any obscene book, picture or pamphlet within this city, shall be fined not less than five nor more than one hundred dollars, and of such fine one-half shall be paid to the

Here is abundant warrant of law for suppressing obscene exhibitions at any place of amusement in Richmond or obscene show bills advertising such exhibitions, and Mayor McCarthy is acting undoubtedly from the highest motives in thus warning the community that no immoral or degrading representations will be allowed.

But bill-boards are notoriously mendactous, and the public has learned by oft-repeated experience how far short the performance sometimes falls of the promise made by alluring circus posters. Indeed, the posters are often the whole and as such may and sometimes should be suppressed on sight, It is doubtful, however, if "Woodland," even judged from the bill-boards, is so sala clous or suggestive as to be unfit for the stage here or elsewhere. The question of theatre morals has its roots in stituting the word "treaty" for the word so many disputed points of art, taste and personal feeling, that it is always an ungrateful and frequently a difficult task to do more than prohibit the wan-

be far better to refuse permission to many of those apparently innocuous plays which, under the guise of moral problems, discuss, parade and exalt manners, morals and customs which had best be The good faste and clean morals of our city are a sufficient protection from harmful theatrical representations—except where such plays or spectacles set out to deliberately affront the decent and pan der to the degraded members of this community. In all such cases the Mayor under the laws we have quoted to suppress such performances and prosecutthose responsible therefor.

Dealing in Futures.

Senator Clay has introduced a bill prohibiting dealings in options or futures by mail or telegraph in raw or unmanufactured cotton, wheat, corn, oats, rye, barley, flour, pork, lard and bacon. That ment of the government to do what the is to say, the bill prohibits the use of the mails or telegraph between States absolute will. "On these question," says by any individual or corporation for the he, "the true canon of construction, that purpose of entering into contracts known as options or futures.

This bill in designedly in the interest of cotion planters, but the enactment of such a law would be mjurious to the diciary. Therefore, neither must be conof cotton as well as to manufacturers each must be construed and conditioned To deprive the manufacturer of the right upon the equally clear power vested in the to deal in futures would be to deprive him of the only protection he now has against fluctuation in prices. More than that, President and Senate have power a law prohibiting men from dealing in "futures" would deprive the farmer himself of a privilege which he may use to any other construction be given to these his advantage. A year or so ago, when two apparently contradictory powers than the price of cotton was ruling very high, that the general power to make treaties and when "futures" were still higher, this paper took occasion to give the gress to lay and collect all duties; and farmers a hint that in July they could sell their crop of corres at the December price and make delivery with the cotton which they would have on hand in that month. We do not recall the exact quo-Congress, which has supreme authority tations, but our recollection is that at the time the suggestion was made farmers could have sold their cotton for December delivery at something like 13 or 14 cents a pound.

But in this day there are many who seem to think that the government should regulate everything. Why does not some member of Congress introduce a bill to these continuous snow storms?

Church and Politics.

A special from Roanoke says that "the be conceded," adds Mr. Tucker, "that ing a general temperance movement," the question to some extent is still a mooted one, but upon the precedents and days, had for the temperance movement,

the authority of great names the author and bad for Virginia politics. In this aration of church and State, and neither must interfere with the functions of the This emphasizes that the Senate by express provision of the Constitution not tion, and it is eminently proper for men only has the privilege, but is under obligation to pass upon every trenty, and to discuss it and promote the cause, But that the House also by implication has when a temperance movement is inaugurated as a political movement, it has no place in church, least of all is it proper to hold a church meeting on Sunday the interest of some candidate for office. We do not believe that this meeting was held at Judge Mann's suggestion or with his approval, and his overzealous friends character which may arise between this are in fair way to do him more harm government and a foreign power shall than good. It is a great blunder from every point of view for the church to mix up in politics. All such questions, if introduced, are sure to split the church to pieces; to cause friction and dissen sion, and impair the religious influence of the church. While temperance in itsel is a religious question, the regulation of the liquor traffic is a political question, and the church as an organization cannot afford to go into politics on any issue.

In the interest of temperance, in the interest of the church, in the interest of Democratic government, we sincorely hope that there will be he more church meetings on Sunday, or on any other day, to promote the candidacy of any man or any cause which he may represent in

The London hippodrome is just about to "bring out" a Russian giant named Machnow, said to be over nine feet tall. It would seem to us that Machnow's place, just now, was way up at the front.

the eye of a needle, but its job is easy as compared with the offert of an antitrust bill getting through the Senate of the United States.

Missouri Republicans are making must be remembered that they have mighty poor senatorial material to work

get in its good work after it did com-

nence business, but it delayed commencing

too long. The echoes from the central west blizzard caught it napping. Colombia wants to resume friendly relations with Uncle Sam. Maybe she wants the old gentleman to act as receiver for

Whatever else may happen in Russia, Maxim Gorky will gather a lot of good material for several novels

The last time Booker Washington called at the White House the dinner bell somehow falled to ring.

Addicks is still in Delaware, and he will be a power as long as his bank ac-

Mayors of moral cities sometimes inadvertently advertise things.

The whole surface of Virginia is now buttoned up with politics

Mr. Wise's Visit.

Editor of The Times-Dispatch:
Sir.—Will The Times-Dispatch aindly allow me through its columns to ask Mr.
H. A. Adkinson why the Daughters of the American Revolution should honor Mr.
John S. Wise? Can we so soon forget.
Itas hig ever done anything to commend himself to the people of Richmond or Virgina that entitles him to their consideration or recognition?
It to frown down and discountenance

Virginia that entitles him to their consideration or recognition?

If to frown down and discountenance such patriots as John S. Wise is "narrow," then 1 for one shall ever glory in being "nurrow." If Mayor McCarthy do clines to introduce Mr. Wise to a Richmond audience he should be commended. Mr. Wise needs no introduction to the intelligent and good people of Virginia.

A VIRGINIAN.

A Card From Colonel Anderson.

A Card From Colonel Anderson. Editor of The Times-Dispatch:

Sir,—I ask public notice of a few words more in regard to the discharge of my duties during the street car strike, and especially to the Fulton affair. In my testimony during the trial of that case I said I did not know the placing of spikes on the track was a felony. This statement elves great offense, it appears, to some of those who oppose my present condidacy, because of my conduct during the strike, and is held up to my friends as evidence of deplorable ignorance. For the benefit of my striends, I wish to say that I repeat the statement. I did not know it was a felony, nor did any one else, for the simple reason that it was not a felony. Judice Witt instruct. did not know it was a felphy, nor did any one alse, for the simple reason that it was not a felony. Judge Witt instructed the jury in writing that it was not a felony, and just because it was not a felony, the accused were necessarily accurated of the first indictment. The second indictment was never tried, for reasons already given.

These instructions are in the clerk's seffice of the Hustings Court, and may be seen by any one.

GIORGE WAYNE ANDERSON, Richmond, Va.

Convicts on the Roads.

Editor of The Times-Dispatch;
Sir,—in a clipping from your editorial column
forwarded to me by a correspondent I note
this question: "Suppose the convicts should
be worked on the public roads; would there
not still be a huc and cry about competition
with honest labor there?"
As I have made a special study of this
goad problem for many years, I ask that you
will allow me a little space in which to answer your question.
My reply is "No," and for the following reasons:

My reply is "No," and for the following reasons:

First, the State cannot afford to undertake the permanent improvement of her highways with free labor on necessit of the regret cost; hence there is no necessit of the regret cost; hence there is no demand, that work, its documention.

Scend, the supply of good roads can never equal the demand for them, even if the State should spend all her road fund in their construction, and also employ therein all the convicts and full prisoners; hence with an unlimited demand for a product and a limited means of protection, limited by the amount of the road fund and the number of criminals), competition is again impossible.

The principle on which is based the use of prison labor in public road work is that "prison or convict labor should be employed only on those works of public utility whose great costs prevents their being undertaken by free labor."

in the last analysis, the case resolves itself hear four propositions: Systematic result. four propositions:
extend to the conomic development of

1. Systematic to the economic development of the State,
2. The State campot undertake to do this work with free labor because the cost would be incomed the means afford to undertake it with prison labor because she has to support her criminals whether at work or hot.

4. If her criminals were employed in permanent road improvement, they would no longer compete with free labor as they now do, and would give to the State in increased land values at least one dollar for every five center she now gets by leasing them.

FOR NEURALGIA

Norfolk, Va.

Armour's Extract of Beef

For brain-fag or physical exhaustion, a cup of bouillon made of Armour's Beef Extract is the ideal stimulant. It inspires, tones, strengthens.

Our cook book
"Culinary Wrinkles"
mailed free

Armour & Company Chicago

REPRODUCES A

Mr. John Skelton Williams Quotes Mr. Barr's Friend Against Him.

WAITED FOR AN APOLOGY

Mr. Williams Says He Gave Mr Barr Every Opportunity to Retract.

controversy between President Missourl Republicans are making a James M. Barr and former President mess of making a senator, but then it John Skelton Williams continues, and is growing in interest, and is more and more personal. On Sunday Mr. Barr's rejoinder to a recent circular issued by Mr. Williams was printed, in which Mi

Mr. Williams was printed, in which Mr. Barr quoted the forms of contract entered into by the Seaboard Air Line and Mossrs. John L. Williams and Sons, of this city, and the Savannah and Statesboro Railroad, concerning the acquisition of that property by the Seaboard Air Line, and stating the consideration therein. This was published for the ostensible purpose of refuting certain statements made by Mr. Williams as to the part taken by his firm in that transaction, Mr. Williams, in his rejoinder to the latest statement of Mr. Barr, quotes Mr. W. W. Mackall, of Savannah, a prenounced friend of Mr. Barr, stating that Mr. Barr was in error, and did the Mossrs, Williams a grave injustice in his references to the Savannah and Statesboro Railway. In concluding his letter, Mr. Williams indulges in some rather vigorous language in characterizing Mr. Barr's failure to make due acknowledgment of what he had been assured was an incorrect statement.

Mr. Williams Replies. an Incorrect statement.

Mr. Williams Replies.

Here is the jetter in full, issued yester-day by Mr. Williams to stockholders of the Seaboard Air Line Rallway; In a circular sent out by James M. Barr, of Portsmouth, inder date of January 25, 1905, Mr. Barr made the following statement:

the Seaboard Air Line Rallway:

In a circular sent out by James M. Barr, of Portsmouth, inder dete of January 25, 1905. Mr. Barr made the following statement:

"As owners of a majority of the stock of the Savannah and Statusboro Rallway Commany, he (J. S. Williams) and his associates voted themselves a commission of \$35,000 in the first mortgared bonds of said road for securing the grarantee by the Scaboard Air Line Rallway of \$185,000 fair vide of the first mortgare dounds of said road for securing the grarantee by the Scaboard Air Line Rallway of \$185,000 fair vide of the first mortgage bonds of the first mortgage bonds of the Savannah and his associates, and while serving as president of the Seaboard Air Line in accepted such commission as compensation for inducing said rallway to guarantee the first mortgage bonds of the Savannah and Statesboro Rallway Company."

That circular was sufrepiltiously circulated for some days, and about ten days later it seems to have been sent out brondeast. A copy of it was shown to me for the first time on the evening of February 7th. The following day I gave a statement to the newspapers, in which I denounced the charges made by Mr. Barr as false, and gave facts to prove them to be so. On February 7th a copy of Mr. Barr's circular was received by Mr. W. W. Mackell, of Savannah, Ga., president of the Savannah fust Company, who was a member with Mr. Barr of the committee of the board of directors of the Savannah was Given.

Warning Was Given.

Warning Was Given.

Immediately upon receipt of this circular Mr. Mackali, realizing the gross injustice which was done us by Mr. Barr telegraphed Mr. Barr as follows, entirely upon his own motion and without my browledge.

to Williams circular, 17th, as regards Sarvannah and Stateshoro transaction, is incorrect. You have been misinformed as to facts."

Mr. Mackall's telegram was received and acknowledged by Mr. Barr the same day, as will be seen from the following letter from Mr. Mackall to Mr. Barr, written under date of February 8, 1905, copy of which was turnished me by Mr. Mackall:

(Copy.)

agreement was a fair and reasonable one to all concerned. The Seabsard, for the collection of the ecompany, for which it has never been required to psy out one dollar. The stockholders of the company, instead of their stock, have only \$185,000 five per cent bonds, a saving to the stockholders in principal and interest.

You have had my full sympathy in the recent bifter attacks which have been finde upon you in your management of the Seabsard, for it seemed to me that these attacks were not only unjust, but entirely unwarranted, and no fair-minded man can find fault with you for defending yourself vigorously against the same; the statements in your cleaning pourself vigorously against the same; the others, as I would be if I passed by in silence the statements in your cleanar those referred to, so that you will have an opportunity to others, as I would be if I passed by in silence the statements in your cleanar move referred to, so that you will have an opportunity to make a serious accusation against gentlemen without the slightest grounds for a suspicion. I believe that, notwithstanding the bitterness which you very naturally feel toward these gentlemen, you will hasten to under hightice which may result from your circular.

Yours very truly.

(Signed)

Chance to Retract.

A letter from Mr. Mackall, enclosing above copy of his letter to Mr. Barr, was received by me on February Bth. I deferred mikity; its contents public, deading that it wild be proper to give Mr. Barr the opportunity of making the public retraction and applogy which the case colled for.

Instead of making or attempting to make proper amends, Mr. Barr, after rocking from Mr. Mackall notice and warning that his statement was untrue, with the containing the same statement in a different form.

When Mr. Barr sent out the circular of January 25th, containing the same statement in a different form.

When Mr. Barr sent out the circular of February 10th he had been emphaltically informed by Mr. Mackall solve hay sent and which they had voluntarily an

founded, deliberately manded in the Savannah false statement:
"I had no connection with the Savannah and Statesborn Railway Company and my knowledge with respect to its action in this connection is confined to the contract

Quotes Mr. Barr.

given above."

Quotes Mr. Barr.

That Mr. Barr's knowledge at the date of the publication of his circular of February 10th was not "confined to the contract given above." and that his statement to that effect is wholly false is evident in view of the information which was given him by Mr. Mackail in his telegram of February 7th, which telegram Mr. Barr acknowledged the same day, and also Mr. Mackail's letter to him of the 8th, not to speak of the information which, Mr. Barr must have secured on this subject and upon which he based his recommendations for the purchase of the Savannah and Statesbor orad in the report which he signed under date of June 18, 1963. In this report Mr. Barr discusses the proposition for the acquisition of the Savannah and Statesboro Railroad in some detail and without reservation recommends its acceptance, declaring the terms to be "fair and reasonable" and "for the best interest and advantage of the Savannah and Statesboro Railroad in some distill and without reservation recommends its acceptance, declaring the terms to be "fair and reasonable" and "for the best interest and advantage of the Savannah and Statesboro Railroad in some distill and without reservation recommends its acceptance, declaring the terms to be "fair and reasonable" and "for the best interest and advantage of the Savannah and the was griendly to Mr. Barr. Mr. Mackail has been accustomed to association with gentlemen and men of honor. Naturally he presumed that all that was necessary to induce Mr. Barr to make prompt and graceful retraction of the singler he had published was to demonstrate to him that he was wrong; that is the ourse customary in such circumstate to him that he was wrong; that is the ourse customary in such circumstate to him that he was wrong; that is the ourse customary in such circumstate to him that he was wrong; that is the ourse customary in such circumstate to him that he was wrong; that is the ourse customary in such circumstate to him that he was wrong; that is the ourse customary in such

Board of Aldermen.

The Board of Aldermen will meet in regular session to-hight at 8 o'clock. Much business of more or less importance will be up for consideration.

THE EQUITABLE LIFE'S STATE-

THE EQUITABLE LIFE'S STATE-MENT.

It is not an exaggeration to say of the Equitable Life Assurance Society of the United States that its progress and achievements are wonderful. The strides taken by this, the youngest and the strongest of the prominent life insurance companies, compel the admiration of the public, whether financiers or laymen. In fact, as its operations affect all classes, its interests are those of the people themselves, and its success redounds to their benefit and profit.

litter from Mr. A. off Percentry 8, 1906. Proposed of the proposed propose



Amusing

more.
The read to a man's heart lies through his digestive organs. These can't be kept in good working trim if cogged with poor food, the chief of which is bread.

Ever feel dull and heavy after a meal? Chances are the Bread wasn't lief.

Now you can avoid that bad, dult feeling by buying the Bread we bake. It is white, light and crisp. Pure flour, flaest blend, with best quality ingredients mixed risen and baked by the most improved methods, by skilled workmen, produces this result. Try it.

All popular shapes of BREAD. Full line Cakes and other Bakery special-

L. BROMM, 516 East Marshall St. Branch Bakery, 501 Broad St.

LUMINOUS LAUGHS AT LUNCHEON

By LYMAN F. GEORGE.

(Copyright, 1903-5, by George Book Pub. Co., Boston, Mass.)

HENNIE HAYNES. Hennie Haynes was a boy of PAINS And this effect came from the cause Of wiping his feet on ladies' trains. And bumping his friends with swinging doors. MORAL While your companion passes through, You hold a swinging door, 'tis true; But others would much prefer, you chump, To dodge thro', rather than get a bump. So let it rebound with a bang and a thump, For to be over-nice is to be a gump!

February 14th in World's History

Brett, the commander of the London train bands, with fifty-eight others, hanged for joining with Sir Thomas Wyatt and his Kentish men, who tried to resist the Spanish influence.

Spanish influence.

1758.

Three hundred recruits sailed from New York for the army, under the command of Governor Shirley, quartered at Albany, the river being free of ice.

1762.

Martinique and the other Caribee Islands delivered up to the British, under Monkton and Rodney, by the French government, M. de la Touche. The entire reduction of Martinique was effected, with the loss of 107 killed and 150 wounded. The French lost 1,000 of their best-men. Before its-reduction the island could ruise 10,000 white inhabitants fit to bear arms and 40,000 negroes.

Battle of Cherokee Ford, in which Colonel Pickens attacked and defeated a body of Tories, killed thirty-nine of them and their leader, Colonel Boyd, and took about seventy prisoners. Of the last five only were executed. Pickens lost nine killed.

1780. William Blackstone died. His Commentaries on the laws of England have given him imperishable fame.

A Russian manifesto announced the conlition called the "armed neutrality," formed on the basis that free trade makes free goods.

The American army, under General Greene, which had continued to retreat since the battle of the Cowpens, crossed the Dan, leaving the whole of North Carolina in the hands of the enemy. So close was the prusuit that the van of the British reached the river as the rear of the Continentals had crossed, after a march of forty miles that day.

orty miles that day. 1782.

The Island of Nevis surrendered to the French, under Count de Grasse. 1831.

Guerrero, ex-President of Mexico, shot. Oregon admitted into the Union, the thirty-third State.

General William T. Sherman died.

William II. Kimball, former president of the Seventh National Bank, New York city, sentenced to pay a fine of \$5,000 for over certification of checks.

Richmonders in New York. (Special to The Times-Dispatch.)

NEW YORK, Feb. 13.-St. Denis, E. G. NEW YORK, EGB. 13.—St. Denis, E. G. Trewitt and wife; Broadway Central, C. Jacobs, L. R. Goodwin; Bartholdi, J. C. Weckert; Hoffman, R. L. Henry; Mariborough, R. L. Scott; Now Amsterdam, G. Snapper.

OPEN ALL NIGHT L. Wagner Drug Co., Sixth and Broad Streets.

Realizing the need of a drug store in the city that the public can be served with drug store needs at any hour during the night, as well as during the day, we have decided to supply that need. From now on our store will be found open any hour during the night, with a competent clerk in charge and a porter to deliver any article you may need to any part of the city at any hour. Simply 'phone us your needs. It's no trouble to us to send them; in

L. Wagner Drug Co., Sixth and Broad Streets. ALL NIGHT DRUG STORE.